

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Kunzler et al.
Application No. : 10/005,552
Filed : October 29, 2001
Title : Silicone Hydrogels Based on Vinyl Carbonate Endcapped Fluorinated Side Chain Polysiloxanes
Group/Art Unit : 1712
Examiner : Moore
Conf. No. : 8018
Docket No. : P02460

CERTIFICATE OF MAILING BY TELEFACSIMILE

I hereby certify that this correspondence is being sent by telefacsimile to: Commissioner for Patents, P. O. Box 1450, Alexandria, Virginia 22313-1450, at telephone number 703 872 9311, on September ___, 2003.

Suzanne V. Saracen**RESPONSE**

Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

This communication is responsive to the Office Action dated April 4, 2003, received in connection with the above-identified application.

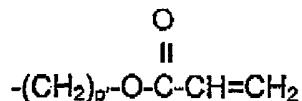
Claims 20 to 38 are pending in this application. Claims 36 to 38 have been withdrawn from consideration. Claims 20 to 35 stand rejected.

Claims 20 to 36 have been rejected for anticipation under 35 USC 102(b) or alternatively for obviousness under 35 USC 103(a) over U.S. Patent No. 5,539,016 to Kunzler *et al.* for the reasons set forth on pages 2 and 3 of the office action. This rejection is traversed.

The hydrogels described in the examples of U.S. Patent No. 5,539,016 are not the vinyl carbonate endcapped polysiloxane containing hydrogels of claims 20 to 36. A comparison of the physical properties listed in Tables 1-4 of U.S. Patent No. 5,539,016 with the examples of Tables 2-5 of the instant application demonstrates the improved modulus, *t*ear and *D*_k values obtained with the hydrogels of claims 20 to 26. Because the specific examples of Kunzler *et al.* are not the claimed vinyl carbonate endcapped polysiloxane containing hydrogels of claims 20 to 36, the rejection of claims 20 to 36 over Kunzler *et al.* is improper and should be withdrawn.

Claims 27 and 29 to 31 have been rejected for anticipation under 35 USC 102(b) or alternatively for obviousness under 35 USC 103(a) over U.S. Patent No. 5,260,000 to Nandu *et al.* for the reasons set forth on pages 3 and 4 of the office action. This rejection is traversed.

The Examiner points to formula III and the R" radicals of Nandu *et al.* in particular in making this rejection. The compounds of formula III are acrylate terminated for R^{Si} having both R¹⁰ and R" functionality, wherein R" denotes a fluoroalkyl radical having 1 to 6 carbon atoms and R¹⁰ denotes

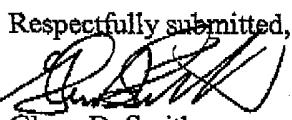


Claims 27 and 29 to 31 are limited to contact lenses made from a monomer mixture which comprises a vinyl endcapped polysiloxane containing a fluorinated side chain. Because the compound of formula III is not a vinyl endcapped polysiloxane when R^{Si} has R" and R¹⁰ functionality, claims 27 and 29 to 31 are not anticipated or obvious over the compounds of formula III of Nandu *et al.* Therefore, the rejection of claims 27 and 29 to 31 over Nandu *et al.* is improper and should be withdrawn.

Applicant appreciates the Examiner's indication that Nandu *et al.* fail to suggest the R" group required by present claims 20 to 26 and 28.

A favorable action on the merits is requested. The Examiner is invited to contact the undersigned to resolve any remaining issues.

Respectfully submitted,


Glenn D. Smith

Registration No. 42,156

RECEIVED
CENTRAL FAX CENTER

SEP 26 2003

Bausch & Lomb Incorporated
One Bausch & Lomb Place
Rochester, New York 14604
Tel: 585 338 6142

Dated: September 25, 2003

OFFICIAL